

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 AID-05 CIAE-00 COME-00 EB-08  
FRB-03 INR-10 NSAE-00 ICA-11 TRSE-00 XMB-02  
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ARA-10 EA-10 EUR-12 NEA-10 /150 W  
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FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 1978

C O N F I D E N T I A L GENEVA 10696

E.O. 11652:GDS  
TAGS: EGEN, EINV, ECOSOC  
SUBJECT: BRIBERY TREATY INITIATIVE

REF: GENEVA 10453

1. PRELIMINARY CONTACTS WITH G-77 DELEGATIONS ATTENDING ECOSOC HAVE BEEN MADE ON THE SUBJECT OF U.S. PROPOSAL FOR A DIPLOMATIC CONFERENCE IN 1979 TO CONCLUDE AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS.

2. IN G-77 MEETING HELD TODAY, ISSUE WAS DISCUSSED AND ACCORDING TO REPORTS, SEVERAL DELEGATES FAVORED 1981 AS APPROPRIATE DATE FOR CONFERENCE AND INSISTED THAT QUORUM REQUIREMENT BE MAINTAINED IN ANY PREPARATORY COMMITTEE. IN PRIVATE CONVERSATIONS U.S. HAD WITH NIGERIAN REP (ABUAH) AND RAPPORTEUR OF THE WORKING GROUP (ACEMAH) THEY SAID THAT 1979 WAS TOO EARLY FOR A CONFERENCE AND THAT PREPARATIONS MADE 1980 THE SOONEST POSSIBLE DATE. BOTH INSISTED ON THE NECESSITY FOR A QUORUM REQUIREMENT TO INSURE FULL GEOGRAPHIC REPRESENTATION DESPITE ARGUMENTS POINTING OUT THE UNWORKABILITY OF THE QUOTA AND ITS EFFECT ON THE WORKING GROUP.

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3. DURING G-77 MEETING JAMAICAN REP BROUGHT UP THE QUESTION OF LINKAGE OF THE BRIBERY TREATY INITIATIVE TO THE CODE OF CONDUCT AND OTHER DELS ENDORSED THE CONNECTION. ACCORDING TO REPORTS, THERE WAS DISCUSSION OF REQUIRING THAT THE RATIFICATION OF THE BRIBERY TREATY COINCIDE AND BE DEPENDENT UPON RATIFICATION OF THE CODE.

INTERESTINGLY, THE ARGENTINE DEL OBJECTED STRENOUSLY TO THIS, STATING THAT ARGENTIAN WILL NOT SUPPORT A LEGALLY BINDING CODE. WE WILL EXPLORE THIS ISSUE FURTHER. THERE HAVE BEEN SOME INDICATION FROM MEXICAN DELS THAT THEY DO NOT FAVOR IMPLEMENTATION OF THE BRIBERY TREATY UNTIL THE CODE NEGOTIATIONS CONCLUDE.

4. THE UNITED ARAB EMIRATES DEL IN HIS OPENING REMARKS ENDORSED THE BRIBERY TREATY INITIATIVE AND WORKING GROUP RECOMMENDATION THAT THE QUESTION OF A CONFERENCE BE REEXAMINED AND IS STUDYING THE TEXT OF THE U.S. PROPOSAL.

5. IN VIEW OF THE JAMAICAN POSITION ON LINKAGES, YOU MAY WISH TO MAKE REPRESENTATION IN KINGSTON QUESTIONING THE WISDOM AND USEFULNESS OF LINKAGES OF THE CODE AND THE BRIBERY TREATY. SIMILARLY, REPRESENTATIONS TO BUENOS AIRES ON THE QUESTION OF BIAS TOWARDS TNCs IN THE JURISDICTION PROVISIONS, REPORTED IN REFTEL WHICH ALSO SURFACED IN DISCUSSIONS WITH ARGENTINE REP IN NEW YORK DURING LAST WORKING GROUP SESSION WOULD PROBABLY BE HELPFUL SINCE ARGENTINA APPEARS HELPFUL AND COULD PLAY A CONSTRUCTIVE ROLE. DISCUSSIONS WITH G-77 AND DEVELOPED COUNTRIES WILL CONTINUE.

6. U.K. INSTRUCTIONS APPEAR TO BE TO SUPPORT A PREPARATORY CONFIDENTIAL

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COMMITTEE BUT TO RESIST EFFORTS TO SET A DATE FOR A CONFERENCE, AS PART OF A STALLING EFFORT IN THE HOPES THAT INITIATIVE WILL LOSE MOMENTUM AND END INCONCLUSIVELY. VANDEN HEUVEL

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## Message Attributes

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**Review Markings:**  
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